



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

APR 6 2005

Mr. Mike Burdette  
Burdette & Associates  
P.O. Box 264  
Milton, LA 70558

Ref. No. 05-0072

Dear Mr. Burdette:

This is in response to your March 28, 2005 letter requesting clarification regarding the use and applicability of the T Codes (Special Provisions) specified under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Q1. Why was Special Provision T4 replaced by T8 in the § 172.101 Hazardous Materials Table (§ 172.101 HMT) entry for "Gasoline, UN1203?" Special Provision T4 allows for bottom outlets on portable tanks while Special Provision T8 forbids the use of bottom outlets for portable tanks containing Gasoline.

A1. Special Provision T4 was inadvertently replaced by Special Provision T8 in a September 3, 2003 rulemaking published under Docket HM-213 (68 FR 52363, 52369). This error will be corrected in a future rulemaking. In the interim, Special Provision T4 should be used when determining portable tank requirements for the entry "Gasoline, UN1203."

Q2. Until January 1, 2010, § 171.14(d)(4) allows for a hazardous material to be transported in an, IM, IMO, or DOT Specification 51 portable tank in accordance with the applicable T Codes in effect on September 30, 2001. What will happen to portable tanks (e.g. IM 101) that used this grandfathering provision after January 1, 2010?

A2. After January 1, 2010, these portable tanks will be subject to T codes in effect at that time in the HMR. There are other possibilities that may be considered, such as filing for an exemption or a rulemaking petition to allow for the continued use of the T Codes in effect on September 30, 2001. The procedure for applying for an exemption is specified in 49 CFR Part 107, Subpart B. The procedure for filing a rulemaking petition is specified in 49 CFR Part 106, Subpart B. Another option would be to cover the specification marking and use the tank as a non-specification portable tank. If that option is utilized, then the shipper must make sure the tank is in compliance with the general packaging



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171.14(d)(4)

requirements in Part 173 and use the tank only for hazardous materials authorized for transportation in non-specification portable tanks.

I hope this information is helpful.

Sincerely,

A handwritten signature in black ink that reads "Hattie L. Mitchell". The signature is written in a cursive style with a large, stylized "H" and "M".

Hattie L. Mitchell, Chief  
Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

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March 28, 2005

Office of Hazardous Materials Standards  
USDOT - PHMSA  
(DHM-10)  
400 7<sup>th</sup> Street S.W.  
Washington, D.C. 20590

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*\$171.14(d)(4)*  
*Applicability*  
*05-0072*

Edward Mazzullo - Director - Office of Hazardous Materials Standards  
Ref: Transport of Gasoline (UN 1203, PG II) in portable tanks

Dear Mr. Mazzullo:

I have reviewed the Hazardous Materials Table from 49 CFR 172.101 regarding the transport of Condensate from oil well drilling operations. Condensate is the lighter hydrocarbon liquids which condense when brought to the surface of the oil well. This fluid is also commonly known as "Casing Head Gasoline" and has the same shipping number as Gasoline - UN 1203. In the October 2002 Hazmat Table this cargo had a T4 requirement in the Special Provisions column which specifies the particular bottom discharge requirements, ie. serial closures, fusible links, etc. In the October 2003 Hazmat table for this same cargo, the special provisions require a T8 code which prohibits any bottom discharge.

Could I please get an interpretation regarding the change in the T code for this cargo?

Referencing the IM 101 tank "grandfather" clause (171.14(d)(4)) allowing the 9/2001 T codes to be used regarding various cargo transport, can you give any information on what will happen after January 1, 2010? What will the existing IM 101 tanks be able to be used for? The majority of the existing IM 101 tanks I have seen in the South Louisiana area have a 26 psig MAWP.

Thank you for looking in the gasoline T Code specification and any information that could be provided on the grandfathering of the IM tanks would be appreciated. Please call me at (337) 893 8652 if you have any questions. My email address is [msbpe@bellsouth.net](mailto:msbpe@bellsouth.net).

Sincerely,

*Michael Burdette*  
Michael Burdette, P.E.

US DOT Authorized Agency IA-9702